



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF E-USA, LLC

DATE: SEPT. 25, 2015

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an information technology services company, seeks to employ the Beneficiary as a manager under the immigrant classification of a multinational executive or manager. *See* section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C). The Director, Texas Service Center, issued a denial notice. The matter is now before us on appeal. The Director's decision will be withdrawn and the matter remanded to the Director for entry of a new decision.

The Petitioner filed Form I-140, Immigrant Petition for Alien Worker, on August 2, 2012. The Director issued an approval notice on May 14, 2013. On June 7, 2013, the Director subsequently issued a denial notice, concluding that the Petitioner had not established that the Beneficiary will be employed in a primarily executive capacity in the United States.

On appeal, the Petitioner submits a copy of the May 14, 2013 approval notice, asserting the approved petition was never rescinded.

We are unable to reach the merits of this case at this time, owing to the procedural deficiencies discussed above. Once a petition has been approved, the proper course of action is to issue a notice of intent to revoke and provide the Petitioner an opportunity to rebut the proposed revocation. If the Petitioner does not overcome the issues raised in the notice of intent to revoke the petition, the Director may then revoke the approval. *See* section 205 of the Act, 8 U.S.C. § 1155; *see also* 8 C.F.R. § 205.2. If the Director does not satisfy the statutory and regulatory procedural requirements to revoke an approval, then the approved petition is not properly revoked.

At this time, we take no position on whether the beneficiary qualifies for the classification sought. The director must make the determination on that issue after issuance of a notice of intent to revoke and consideration of the petitioner's response.

Accordingly, we will withdraw the director's decision and remand the petition to the director for further review, issuance of a notice of intent to revoke, and entry of a new decision. As always in these proceedings, the burden of proof rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361.

Matter of E-USA, LLC

ORDER: The matter is remanded to the Director, Texas Service Center for further proceedings consistent with the foregoing opinion and for the entry of a new decision, which, if adverse, shall be certified to us for review.

Cite as *Matter of E-USA, LLC*, ID# 14096 (AAO Sept. 25, 2015)